

## **REMARKS**

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants cancel claim 4 and amend claims 1, 2, 3, 5-7, and 9. Applicants do not add any new claims. Accordingly, claims 1-3 and 5-20 are pending.

### **I. In the Specification**

Applicants have amended the typographical errors identified by the Examiner in the specification. Specifically, Applicants have replaced "Photodiode 105" with "Photodiode 106" at page 4, line 4, and replaced "Photodiode 260" with "Photodiode 250" at page 8, line 24. Approval of this amendment is respectfully requested.

### **II. Claims Rejected Under 35 U.S.C. § 102**

Claims 1-3, 5-9, and 14-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,724,789 issued to Vujkovic-Cvijin ("Vujkovic-Cvijin"). Applicants respectfully disagree for the following reasons.

To anticipate a claim, the Examiner must show that a single reference teaches each of the elements of that claim. Among other elements, amended Claim 1 recites "an optical output monitoring unit for receiving a portion of the light beam and for sensing an intensity of the light beam," and "an optical wavelength monitoring unit for receiving the other portion of the light beam not shielded by the optical output monitoring unit." Applicants respectfully submit that Vujkovic-Cvijin at least does not teach these elements.

The Examiner characterizes the photodetector 132 taught by Vujkovic-Cvijin as the optical output monitoring unit. However, the photodetector 132 is not used for sensing an intensity of the light beam as recited in Claim 1. Rather, Vujkovic-Cvijin teaches using the photodetector 132 for detecting the frequency of the laser. Vujkovic-Cvijin specifically teaches that the photodetector 132 is used for comparing the frequency of the laser with a reference frequency, thus enabling the laser frequency to be turned (col. 7, lines 54-55, col. 8, lines 3-7 and lines 29-32). The reference frequency is obtained by directing the laser through a gas absorption cell holding a gas of known

spectral line characteristics. (col. 7, lines 46 to 56). Thus, Vujkovic-Cvijin teaches sensing the frequency instead of sensing the intensity of the light beam . The Examiner has not identified and Applicants have been unable to identify in any part of Vujkovic-Cvijin that mentions sensing the intensity of the light beam. Thus,Vujkovic-Cvijin does not teach each of the elements of Claim 1.

Further, Claim 1 recites "...receiving the other portion of the light beam not shielded by the optical output monitoring unit." Thus, there is necessarily an act of shielding by the optical output monitoring unit. The Examiner admits that the prior art fails to disclose or suggest the laser beam shielded by the optical output means (Office Action dated 1/11/2005 at page 5, lines 2-3).

Applicants acknowledge that Vujkovic-Cvijin fails to teach the shielding of the laser beam. In fact, Vujkovic-Cvijin's photodetector 132 cannot shield the laser beam. This is because Vujkovic-Cvijin uses a beam splitter 110 to forward, at a 90° angle, a part of the beam to the photodetector 132 (Figs. 3 and 3A, and col. 7, lines 46 to 56). Thus, Vujkovic-Cvijin cannot anticipate the act of shielding. At least for this additional reason, Vujkovic-Cvijin does not teach each of the elements of Claim 1. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claim 1 are respectfully requested.

In regard to Claim 9, amended Claim 9 recites the elements of "an optical output monitoring means for receiving a portion of the laser beam and for sensing an intensity of the laser beam," and "an optical wavelength monitoring means for receiving the other portion of the laser beam not shielded by the optical output monitoring unit." At least for similar reasons mentioned above in regard to Claim 1, Vujkovic-Cvijin does not teach each of the elements of Claim 9. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claim 9 are respectfully requested.

In regard to Claims 2, 3, 5-8, and 14-20, these claims depend from Claims 1 and 9 respectively, and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to Claims 1 and 9, Vujkovic-Cvijin does not anticipate these claims. Accordingly, reconsideration and withdrawal of the anticipation rejection of Claim 2, 3, 5-8, and 14-20 are respectfully requested.

### **III. Allowable Subject Matter**

In regard to Claims 10-13, The Examiner indicates that these claims recite allowable subject matter but are objected to as being dependent on Claim 9. The Examiner states that Claims 10-13 would be allowable if rewritten in an independent form. Applicants respectfully submit that the amendment to Claim 9 has obviated the need to rewrite Claims 10-13. As Claim 9 is in condition for allowance, Claims 10-13, which depend from Claim 9 and incorporate the limitations thereof, are allowable at least for the reasons mentioned in regard to Claim 9. Accordingly, reconsideration and withdrawal of the objection of Claims 10-13 are requested.

## **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely claims 1-3 and 5-20 patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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Dated: 4/8/05, 2005

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### **CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 8, 2005.

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